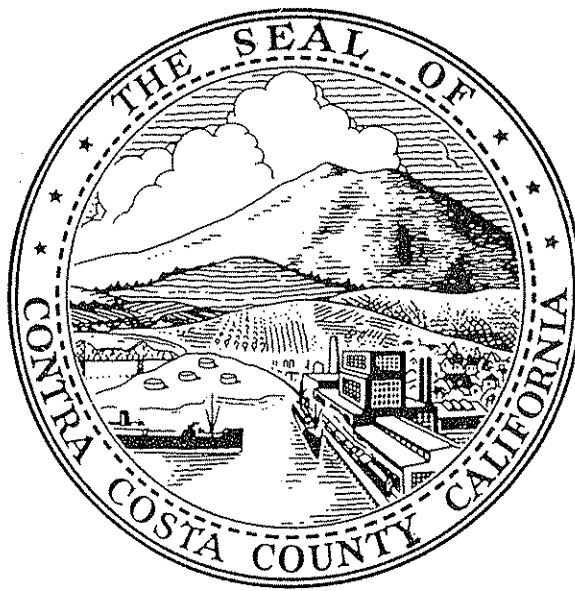


Contra Costa County  
Disability Program



Prepared  
by

Contra Costa County  
County Administrator's Office  
Affirmative Action Division

Revised  
November 1, 1995

### Acknowledgements

The County's Section 504 Coordinating Committee consists of staff from various County departments and representatives from various organizations for disabled persons and interested citizens.

The contributions of its members is invaluable and their time, energy and expertise is greatly appreciated. This plan is the result of cooperation between County staff, interested citizens and organizations representing disabled persons.

## Forward

The purpose of this document is to set forth a plan for assuring that all employment, programs, and services offered by Contra Costa County are accessible to all persons, including those persons who are disabled, pursuant to Section 504 of the Rehabilitation Act of 1973 (Public Law 93-112), as amended and the Americans with Disabilities Act of 1990.

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## Introduction

### A. Rehabilitation Act of 1973

Section 504 of the Rehabilitation Act of 1973 provides that with regard to programs administered by the Department of Health and Human Services "no otherwise qualified disabled individual shall, solely by reason of his disability be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." This regulation applies to all recipients of Department of Health and Human Services' funds and is intended to insure that federally assisted programs and activities are operated without discrimination.

As an employer, the County must provide reasonable accommodation to disabled applicants and employees unless the accommodation would cause the County undue hardship.

As a provider of programs and services, the County is required to ensure programs and services operated in existing facilities are accessible to disabled persons, to insure that new facilities are constructed so as to be fully accessible to disabled persons, and to operate programs and services in a non-discriminatory manner.

### B. Americans with Disabilities Act of 1990

The Americans with Disabilities Act of 1990 (ADA) makes it unlawful to discriminate in employment against a qualified individual with a disability. The ADA also outlaws discrimination against individuals with disabilities in State and local government services, public accommodations, transportation, and telecommunications.

### C. Definition

Title I of the ADA protects qualified individuals with disabilities from employment discrimination. Under the ADA, a person has a disability :

- \* if he/she has a physical or mental impairment that substantially limits a major life activity;

- \* if they have a record of a substantially limiting impairment; and
- \* if they are regarded as having a substantially limiting impairment.

To be protected under the ADA, an individual must have a record of or regarded as having a substantial impairment as opposed to a minor impairment. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, caring for oneself, learning or working.

An individual with a disability must also be qualified to perform the essential functions of the job with or without reasonable accommodations, in order to be protected by the ADA. This means that the applicant or employee must:

- \* satisfy the job requirements for educational background, employment experience, skills, licenses, and any other qualification standards that are job related; and
- \* be able to perform those tasks that are essential to the job, with or without reasonable accommodation.

The ADA does not interfere with the employers right to hire the best qualified applicant. Nor does the ADA impose any affirmative action obligations.

The same definition of a qualified person with a disability applies to the Rehabilitation Act.

#### D. Objectives

The objectives of the County's Disability Program are:

1. To assure that all otherwise eligible disabled persons are able to participate in and receive the benefits of any and all programs and services and other activities offered by Contra Costa County.
2. To assure equal employment opportunity and equal application of all personnel policies and practices be given to disabled persons.

3. To provide "reasonable accommodations" in order that disabled employees may realize their highest job potential.
4. To make those physical improvements necessary to assure disabled persons have access to County facilities.
5. To provide a mechanism for the participation of disabled persons in the development and implementation of County policies and practices related to the provision of programs and services to disabled clients.

## Section 504 Committee

The Rehabilitation Act, Section 84.22 (e), provides that if structural changes to facilities are necessary to allow program accessibility by disabled persons, a transition plan for making those changes is to be developed with the assistance of interested persons, including disabled persons or organizations representing disabled persons.

In order to not only meet this requirement but also provide a means for receiving direct input from disabled persons on the overall subject of the Rehabilitation Act compliance, a Section 504 Coordinating Committee (hereinafter referred to as Section 504 Committee) was established in August, 1979. Initially the Section 504 Committee consisted of County staff. The Committee membership was subsequently expanded to include disabled persons and persons representing organizations from the disabled community and interested citizens (Attachment 1).

The Section 504 Committee oversees the development and implementation of activities necessary to insure the County's compliance with regulations (Rehabilitation Act and Americans With Disabilities Act) regarding non-discrimination against disabled individuals.



## Disability Program

The Disability Program covers the following areas: employment; training; assistive devices; accessibility; discrimination complaint procedures; and the Rehabilitation Program.

### A. Employment

Disabled employees are identified in the County and listed by the type of disability. The workforce report is sent to each department. The data assists departments assess the need to provide assistance to employees in case of a disaster or emergency.

The disabled categories are: Visual, Hearing, Speech, Physical, and Developmental Disabilities. Employees voluntarily self identify their disability when they are first hired. The data is confidential and used for statistical purposes. Employees injured after their initial hiring are not identified unless they voluntarily notify their supervisors, Department Affirmative Action Coordinators or the County's Affirmative Action Officer.

Job applicants are asked if they need assistance in taking examinations such as readers, a longer period of time to take an examination, etc. Job announcements are also sent to disabled organizations so they can refer applicants to the County. Several disabled agencies and organizations (Attachment 2) are used to assist the County recruit applicants.

### B. Training

Affirmative Action/Equal Employment Opportunity training is provided to County employees to inform them of the most recent laws, regulations and court decisions. Included in the training are requirements for providing "reasonable accommodations to disabled applicants and employees (Attachment 3).

The ADA Workshop covers the procedure managers and supervisor should use to administer requests for reasonable accommodations and to inform employees of their right to request reasonable accommodations.

C. Assistive Devices

1. Telecommunication Devices

In several departments there is a special telephone for the deaf and/or hearing impaired person. The locations have been placed in the various (city) local telephone directories in Contra Costa County as well as the County's interdepartmental directory. The following is a list of those departments with teletypewriters to assist the hearing impaired:

* Board Chambers Martinez	646-4929
* Contra Costa Fire District Pleasant Hill	930-5577
* Clerk-Recorder Election Division Martinez	646-2347
* Sheriff-Coroners Administration Martinez	228-0111

The California Relay Service is open 24 hours for a hearing impaired person to call (1-800-342-5966) and be relayed to their caller. The caller may dial a hearing impaired person using 1-800-342-5833. This service is provided by the telephone company for anyone to use.

2. The Department and/or County will review the need for assistive devices when requests for "reasonable accommodations" are made.

## D. Accessibility

### 1. Programs and Services

Assuring that disabled persons have access to programs and services operated by the County is another important part of the Disability Program. The County must operate each program or activity so that the program when viewed in its entirety, is readily accessible to disabled persons.

Disabled persons must receive the same services and program benefits as received by non-disabled persons. Services and programs provided by the County must also be non-discriminatory.

### 2. Facilities

All of the County's owned and leased buildings were surveyed in 1979 and again in 1994 to determine if they were accessible. The transition plan (Attachment 4) lists each building and identifies the areas that need to be changed in order to be in compliance with ADA requirements. The plan:

- \* identifies physical obstacles in buildings that limit accessibility;
- \* describes in detail the methods that would be used to make the facilities accessible; and
- \* specifies the schedule for taking the steps necessary to achieve full program accessibility or to provide the required service.

Building with a large number of employees and/or clients are placed in the Priority #1 Category with a completion date of 1994 (Attachment 5). Priority #2 buildings are scheduled to be completed in 1995 and Priorities #3 and #4 buildings are scheduled to be completed in 1996 and 1997.

## E. Discrimination Complaint Procedure

### 1. Programs and Services

The procedure for processing discrimination complaints relating to services and programs provided by agencies of Contra Costa County was adopted January 29, 1985 (Attachment 6).

The procedure covers discrimination complaints based on race, color, national origin, age, sex, disability, and any other discrimination prohibited by State or Federal law or regulation relating to admission to, access to, or treatment in, County programs or services. This procedure does not apply to employment discrimination complaints or complaints subject to the County's grievance procedure or the provisions of the Personnel Management Regulations.

2. Complaints based on employment (Attachment 7) are in the Personnel Management Regulations and Administrative Bulletins adopted March 24, 1983. The procedure governs complaints of discrimination by employment applicants and employees.

## F. Rehabilitation Program

The Rehabilitation Program was established (Attachment 8) in the County as a means of providing alternate careers to employees who can not do their usual and customary occupations due to illness or injury.

The programs' policy was developed by a joint labor and management committee. The Committee is comprised of eight members; four County and/or district employees from employee organizations and four County and/or district employees from management.

One of their primary tasks was to establish and/or recommend policies for the Rehabilitation Program and establish procedures to monitor the program. The Committee also handles grievances that employees or departments may have in regards to the Rehabilitation Program. The day to day implementation of the program is administered by the Rehabilitation Counselor who is a staff member in the Risk Management Division of the County Administrators Office.

The Rehabilitation Program is composed of two parts:

1. Limited Duty

Limited Duty occurs when a person is temporarily precluded from doing his or her current job duties due to an injury or illness. An alternate position is provided when the individual's physical and/or mental limitations are for six months. There is also no loss of income for the employee while on Limited Duty.

2. Permanent Alternate Work

Permanent Alternate Work is provided to employees who can not return to their usual and customary occupation. Services under this portion of the program could consist of vocational testing and counseling, providing assistive devices, re-training, and job placement. The County is viewed as the employer of first resort, and attempts made to keep the person within the County system first before trying to place them with another agency.

Permanent Alternate Work cases may also request reasonable accommodations under the County's ADA program. One program does not exclude the other and both can work towards placing the employee.

## Summary

County policies and practices will continue to assure non-discrimination in employment; programs; and services to disabled persons.

# Section 504 Coordinating Committee

Member	Representing	Telephone
Emma Kuevor	County Administrator 651 Pine Street, 10th Floor Martinez, CA 94553	646-4106
Jean Haskell	County Administrator Risk Management 651 Pine Street, 6th Floor Martinez, CA 94553	646-2239
Bob Baba	General Services Department 1220 Morello Ave, Suite 100 Martinez, CA 94553	313-7200
Robert Hill	General Services Department 1220 Morello Ave, Suite 100 Martinez, CA 94553	313-7200
Steve Weir	Clerk-Recorders Office 725 Court Street Courthouse Martinez, CA 94553	646-2955
Ted McHale	County Administrators Office Risk Management Division 651 Pine Street, 6th Floor Martinez, CA 94553	646-2299
JoAnn Bess	Independent Living Resources 3811 Alhambra Ave Martinez, CA 94553	229-9200
Dee Glasser	Community Access Network 1448 Center Avenue Martinez, CA 94553	228-1102
Ken Faria	Community Access Network 2712 Flannery Road San Pablo, CA 94806	724-0127
Bryce Johnson	Community Access Network DOC and CAPH 108 Danville Court Danville, CA 94526	837-3056

Hal Aldrich	Developmental Disabilities Council 2801 Robert H. Miller Drive Richmond, CA 94806	231-3665
Diana Jorgensen	Developmental Disabilities Council 2801 Robert H. Miller Drive Richmond, CA 94806	231-3665
Elaine Randall	California Association Physically Disabled 440 Sutcliff Place Walnut Creek, CA 94598	937-4209
Linda Paravagna Diana Dermont Rudy Bern	California Department of Rehabilitation 2285 Morello Avenue Pleasant Hill, CA 94523	689-3010
Richard Stickney	Interested Citizen 20 Surf View Drive Pittsburg, CA 94565	458-2937
Helen Miller	Interested Citizen 1024 Lila Del Court Concord, CA 94518	686-6683
Francis Wong	Chinese American Political Association 767 Contado Court Danville, CA 94526	422-7305
Leslie Knight	Human Resources Department 651 Pine Street Martinez, CA 94553	646-4064



HANDICAPPED/DISABLED COMMUNITY ORGANIZATIONS AND HUMAN SERVICES  
AGENCY CONTACTS IN CONTRA COSTA COUNTY

California Assoc Neurological  
Handicapped Children  
P.O. Box 5292  
Walnut Creek, CA 94596

California Department of  
Rehabilitation  
2285 Morello Avenue  
Pleasant Hill, CA 94523

Commercial Support Services  
490 Golf Club Road  
Pleasant Hill, CA 94523

Contra Costa County  
Private Industry Council  
2425 Bisso Lane #100  
Concord, CA 94520

County Office of Education  
Attn: Cookie  
77 Santa Barbara Road  
Pleasant Hill, CA 94523

Deaf Counseling Advocacy and  
Referral Agency  
363 Civic Drive  
Pleasant Hill, CA 94523

Department of Rehabilitation  
12810 San Pablo Avenue  
Richmond, CA 94805-1356

Developmental Disabilities  
Council  
2801 Robert H. Miller Dr. #1  
Richmond, CA 94806

EDD  
363 Civic Drive  
Pleasant Hill, CA 94523

Futures Explored  
3547 Wilkinson Lane  
Lafayette, CA 94549

Harmon School  
2853 Groom Drive  
Richmond, CA 94806

Las Tranpas School, Inc.  
P.O. Box 515  
Lafayette, CA 94549

Mt. Diablo Rehabilitation Ctr.  
490 Golf Club Road  
Pleasant Hill, CA 94523

National Fraternal Order of  
Handicapped  
3112 Clayton Road  
Concord, CA 94520

Neuro Care Inc.  
1001 Galaxy Way #400  
Concord, CA 94520-5758

Phoenix Enterprises  
Attn: Loretta M. Morrison  
5056 Commercial Circle #E-F  
Concord, CA 94520-1248

Phoenix Programs of East  
County  
Multi-Service Center  
1401 West 4th Street  
Antioch, CA 94509

Regional Center of the East  
Bay  
1800 Sutter Street #220  
Concord, CA 94520

Rubicon Programs, Inc.  
2400 Bissell Avenue  
Richmond, CA 94804

Trinity Vocational  
Rehabilitation  
P.O. Box 1551  
Vallejo, CA 94590

Tri-Selpa  
1963 Tice Valley Blvd.  
Walnut Creek, CA 94595

Work-Ability I  
2900 Avone Avenue  
Concord, CA 94520

Work-Ability II  
Contra Costa County of  
Education  
77 Santa Barbara Road  
Pleasant Hill, CA 94523

Work-Ability III  
Contra Costa College  
2600 Mission Bell Drive  
San Pablo, CA 94806

HANDICAPPED/DISABLED COMMUNITY ORGANIZATIONS AND HUMAN SERVICES  
AGENCY CONTACTS IN THE GREATER BAY AREA

Center for Independent Living  
Attn: Employment Services  
2539 Telegraph Avenue  
Berkeley, CA 94704

Crawford Health and  
Rehabilitation Services  
1350 Treat Blvd #290  
Walnut Creek, CA 94596-2140

Carol Hatcher Associates  
Attn: Jodi D. Giampaoli  
348 Cernon Street, Suite B  
Vacaville, CA 95688

Center for Independent Living  
Employment Services Department  
310 8th Street #100  
Oakland, CA 94607

C.R.A. Company  
Attn: Kay Merrit  
1330 Broadway St #705  
Oakland, CA 94612

Deaf Self-Help  
1375 University Avenue  
Berkeley, CA 94702-0701

Department of Rehabilitation  
State of California  
1936 University Avenue #150  
Berkeley, CA 94704-1024

DCARA  
22289 Pearce Street  
Hayward, CA 94541-3915

Health Care for the Homeless  
Bill Smith  
1900 Fruitvale Ave., Suite 3E  
Oakland, CA 94601

James Rehabilitation Service  
P.O. Box 7601  
San Francisco, CA 94120

Rehabilitation Associates  
Job Developer  
2950 Merced Street #123  
San Leandro, CA 94577

Rose Resnick Ctr for the Blind  
Handicapped Inc  
Attn: PJ Magik  
1299 Bush Street  
San Francisco, CA 94109

Spectrum Center  
2855 Telegraph Avenue #312  
Berkeley, CA 94705-1151

State Department of  
Rehabilitation  
Attn: Ridgway  
185 Berry St, Lobby 7 #180  
San Francisco, CA 94107

State of California  
Department of Rehabilitation  
2750 N Texas Street #210  
Fairfield, CA 94533-1290

Toolworks  
450 Pacific Avenue #200  
San Francisco, CA 94133-4640

Trinity Vocational  
Rehabilitation  
Gary D Williams, Job Developer  
840 Tuolumne Street  
Vallejo, CA 94590

United Cerebral Palsy of  
Alameda-Contra Costa  
Counties  
1970 Broadway, Suite 605  
Oakland, CA 94612

Vocational Rehab Service  
Attn: Maureen Devine  
1624 Franklin St #501  
Oakland, CA 94612

Western P.E.T.E.  
Barbara Rohde  
2150 River Plaza Drive #170  
Sacramento, CA 95833

HANDICAPPED/DISABLED COMMUNITY ORGANIZATIONS AND HUMAN SERVICES  
AGENCY CONTACTS OUTSIDE THE GREATER BAY AREA

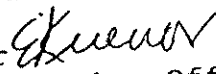
Manning Rehab. Services  
Attn: Adnrea L. Dunlap  
P.O. Box 1862  
Bakersfield, CA 93303-1862

Rolling Start, Inc.  
Independent Living Center  
536 West 11th St., Suite B  
San Bernardino, CA 92410

Office of the County Administrator  
Contra Costa County  
Affirmative Action Office  
651 Pine Street, Martinez, CA 94553  
510/646-4106

April 28, 1993

TO: Department Heads  
Department Affirmative Action Coordinators  
Department Personnel/Administrative Officer

FROM: Emma Kuevor   
Affirmative Action Officer

SUBJECT: Administrative Bulletin Procedures for Compliance with  
Title I of the Americans With Disabilities Act

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The enclosed is the Administrative Bulletin - Procedures for Compliance with Title I of the Americans With Disabilities Act. We received comments and recommended changes from Department staff, members of the Section 504 Committee, and interested community groups, organizations, and individuals.

As our program is implemented, we're sensitive to the need to be flexible and ready to adjust to changes. If you have comments regarding the Administrative Bulletin, give me a call.

Employees are requesting reasonable accommodations from their supervisors. Be sure to review the procedure during your staff meetings with your employees. It is very important that you document requests from employees and the accommodations that were provided. If accommodations were not provided, the reason(s) why they were not provided should also be documented.

Your assistance is needed in order to provide reasonable accommodations requested by employees. The County will provide the accommodations whenever possible and I am available if you need assistance.

EK:fch

Enclosures

cc: Section 504 Committee Members  
Disabled Mailing List  
IO Mailing List  
Advisory Council

## ADMINISTRATIVE BULLETIN

SUBJECT: Procedures for Compliance with Title I of the Americans With Disabilities Act

Title I of the Americans with Disabilities Act (ADA) makes employment discrimination against qualified individuals with a disability unlawful. The ADA prohibits discrimination in training, promotion, retention, and other aspects of employment and requires employers to provide reasonable accommodation to qualified disabled employees and applicants for employment.

### I. Purpose.

This bulletin sets forth procedures to be followed by Contra Costa County departments: (1) for determining whether an employee or applicant for employment is a "qualified individual with a disability", and (2) if so, for processing requests from such individual for reasonable accommodation. (As used herein, "department" includes special districts governed by the Board of Supervisors.)

### II. Definitions.

- A. An "individual with a disability" is a person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment or is regarded as having such an impairment.
- B. A "qualified individual with a disability" is a person with a disability who, with or without reasonable accommodations, can perform the essential functions of the position that the individual holds or desires. The employee must also meet the minimum qualification(s) of the job class.
- C. "Reasonable accommodation" may include making existing facilities used by employees readily accessible to and usable by individuals with disabilities; job-restructuring; part-time or modified work schedules; reassignment to a vacant position; acquisition or modification of equipment or devices; appropriate adjustment or modification of examinations, training materials or policies; the provision of qualified readers or interpreters; or similar modifications to the application or examination procedures, job duties, or working conditions.
- D. "Undue hardship" is a basis for denying a request for reasonable accommodation. Factors to be considered in determining whether a specific accommodation would impose an undue hardship including:

1. The nature and cost of the accommodation needed.
  2. The overall financial resources of the facility or facilities involved in the accommodation; the number of people employed at the facility; and the effect of expenses and resources or other impact of the accommodation on the facility's operation.
  3. The overall financial resources of the covered entity and its size, including the number of employees, type and location and number of its facilities.
  4. The type of operation or operations of the covered entity, including the composition, structure and functions of its work force, geographic separateness, and administrative or fiscal relationship of the facility or facilities to the covered entity.
- E. "Essential functions" are the job duties that an employee must be able to perform, with or without reasonable accommodation.
1. Factors to consider in determining if a function is essential include:
    - a) Whether the reason the position exists is to perform that function;
    - b) The number of other employees available to perform the function or among whom the performance of the function can be distributed; and
    - c) The degree of expertise or skill required to perform the function.
  2. Other factors to be considered include:
    - a) The actual work experience of present or past employees in the job;
    - b) The time spent performing a function;
    - c) The consequences of not requiring that an employee perform a function; and
    - d) The terms of a collective bargaining agreement.
- F. The County Administration or designee (Affirmative Action Officer) is responsible for the development, coordination and implementation of the County's American's With Disabilities Act requirements

### III. Limitations.

- A. The term qualified individual with a disability does not include individuals currently engaging in the illegal use of drugs.
- B. Disability does not include:
  - 1. Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;
  - 2. Compulsive gambling, kleptomania, or pyromania; or psychoactive substance use disorders resulting from current illegal use of drugs.
  - 3. Homosexuality and bisexuality.

### IV. Procedures for Responding to Requests for Reasonable Accommodation from Employment Applicants.

- A. When a qualified disabled applicant requests reasonable accommodation for any part of the application process, the Personnel Department staff shall ask the applicant what type of accommodation he or she needs, and when appropriate, confer with the applicant about other possible types of accommodation.
- B. In the event the Personnel Department believes that accommodation cannot be provided, the written request shall be referred to the County Administrator. The County Administrator will review the written request and determine if accommodation can be provided, and if so, what accommodation shall be provided. The County Administrator will document the accommodation provided or why it was not able to be provided.
- C. The Personnel Department shall retain all requests for accommodation and provide a copy to the County's Affirmative Action Officer. A written record shall be made of the actions taken as a result of the request and a copy provided to the Affirmative Action Officer and applicant.

### V. Requests for Reasonable Accommodation from Employees.

- A. Department Heads are responsible for providing reasonable accommodations to qualified disabled employees in their departments and accommodating referrals from the other departments. Transfers will be subject to the same requirements as other transferees. A physician's report

may be requested that confirms the employee's ability to perform the essential functions of the job, and what, if any accommodations is required.

- B. An employee with a disability may make a request for reasonable accommodation to his or her supervisor or designee.
- C. The supervisor or designee shall submit the request to the department head or person designated by the department head to receive such requests and the department shall provide a copy to Department Affirmative Action Coordinator.
- D. The department head or designee shall:
  - 1. On the form provided for that purpose, request that the employee identify the type of disability, why an accommodation is necessary, and what type of accommodation the employee recommends.
  - 2. Discuss the need for accommodation and the employee's proposed accommodation. If the department and employee reach agreement, provide the agreed upon reasonable accommodation.
- E. If, after discussion, the department is not satisfied that accommodation is needed, it shall request that the employee's physician report on the employee's ability to perform the essential functions of the job, and what accommodation is required.
- F. If not satisfied by the report of the employee's physician, the department shall refer the employee's physician's report to the County's physician for review. The County physician may also examine the employee to determine whether the employee can perform the essential functions of the job with or without the requested reasonable accommodation. Outside specialist may be required to assist the County physician.
- G. If the County's physician determines the employee can perform the essential functions of the job with or without the reasonable accommodation, the physician will so inform the department in writing and report to the department what, if any, accommodation is required. The employee must serve the required probationary period for the job class; even if they are transferred to a department in the same job class. If the employee fails the probationary period due to performance, no further accommodations is required.



1. If the department and employee agree with the conclusions of county physician, the department shall either:
    - a) implement the recommendations of the physician;
    - b) implement the recommendations of the physician as modified by agreement with the employee.
  2. If employee and department cannot agree on the accommodation to be provided or if the recommended accommodation would cause an undue hardship, proceed with the procedures set forth in subsection 1.
- H. If the County's physician determines the employee cannot perform the essential functions of the job with reasonable accommodation, the physician shall report in writing to the department containing a statement of the reasons for the determination including a statement of which functions the employee cannot perform, and why.
- I. The Department Head or designee, after reviewing the County physician's report, will:
1. Make the accommodation recommended; or
  2. Request that the Department Affirmative Action Coordinator and Personnel Officer or Administrative Services Officer assist in providing a reasonable accommodation; and
  3. Discuss with the Personnel Department actions taken and review the Personnel Management Regulations and any applicable memoranda of understanding; and
  4. Determine what, if any, accommodation can be made to an employee, and if none can be made, or if the employee does not agree to the accommodation, why the accommodation requested by the employee is either not a reasonable accommodation or would cause the County an undue hardship. All denials of requests for reasonable accommodation shall be sent to the Affirmative Action Officer .
- J. The Affirmative Action Officer will review the determination that an accommodation is not required, is not sufficient to allow the employee to perform the essential functions of the job, or would cause an undue hardship. After the review, the Affirmative Action Officer will make recommendations in writing to the department.

- K. The supervisor or designee will advise the employee that an accommodation cannot be made along with a written explanation of why the accommodation cannot be made.
- L. Documentation (attached) requesting reasonable accommodations and employees provided or denied reasonable accommodations will be maintained by the Affirmative Action Officer.

#### VI. Appeal Procedure.

- A. Applicants and employees not provided with a reasonable accommodation(s) for industrial and non-industrial requests may:
  - 1. Request assistance from the Affirmative Action Officer.
  - 2. File a discrimination complaint with the Affirmative Action Officer.
  - 3. File a discrimination complaint directly with the Merit Board.
- B. Complaints filed with the Affirmative Action Officer will be handled like other discrimination complaints.
- C. Complaints filed with the Merit Board will be handled pursuant to the Personnel Management Regulations.

Phil Batchelor  
County Administrator

Attachment: Form 1A

A:\ADABULL2

REASONABLE ACCOMODATION  
REQUEST FORM

Date of Evaluation:

Referred By:

A. Personal Data:

1. Employees Name:

2. Home Address:

City:

Zip:

Telephone:

3. Date of Birth:

4. Age:

B. Employment Data:

1. Department:

Telephone:

Address:

City:

Zip:

2. Employees Job Class:

3. Employees Position Number

Telephone:

4. Supervisor:

C. Medical Diagnoses: An individual with a disability is a person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment or is regarded as having such an impairment.

1. Describe the employees'

a. Physical Impairment

b. Mental Impairment

2. What major life activity(ies) are limited because of the impairment?
  - a)
  - b)
  - c)
  - d)
3. How long has the employee had this impairment?
4. Does the employee's coworkers, supervisor, and/or department regard the employee as having a substantially limiting impairment? (A substantially limiting impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, caring for oneself, learning or working.)

D. Essential Functions of the Job

1. What are the essential functions of the job?
2. Can the individual perform the essential functions of the job with or without reasonable accommodation?
  - a) Do they meet the minimum qualifications?
  - b) Perform the tasks that are essential to the job with or without reasonable accommodation.

Reasonable Accommodations Requested by Employee:

Reasonable Accommodations Requested by Department:

### Reasonable Accommodations Not Provided Because:

### Reasonable Accommodations Provided:

### Projected Assistive Technology Needs:

1. Communication: A system to record messages; write notes; write documents/papers; a system to augment spoken communication; accommodations in telephone access or other telecommunication access?
2. Environmental Control: Does the employee need to operate lights; a radio; a telephone; open/close the door;
3. Computer Access: What are the employees current computer needs such as, word processing; spreadsheet; database; graphics; computer aided design (CAD); communication software; accounting software; etc.?

1. What method of access is preferred?

hardware-based \_\_\_\_\_

software-based \_\_\_\_\_

voice activated \_\_\_\_\_

#### 4. Workstation Accommodations:

1. What equipment will the employee need to use or operate with their environment:

calculator

computer

copier

dictaphone

fax

file cabinet

letter opener

paper cutter

paper folder

tape recorder

telephone

typewriter

2. Does the employee need to lift, carry, or move material/equipment? If yes, specify:

Wheelchair accessibility

Seating for an Ambulatory Employee

Workstation

Lighting

Computers

Telephone Access

#### 5. Other Workstation Accommodation:

##### Assistive Technology Integration and Support

1. Does the employee have a support system for technology application?
2. Does the proposed technology interface with the client's current technology?
3. Does the proposed technology interface with the work place technology?
4. Are all of the technologies required by the client compatible?

Supervisors' Impressions/Comments

Recommendation(s) by Department:

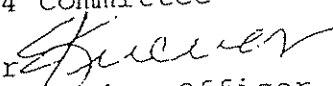
Recommendation(s) by Department Affirmative Action Coordinator:

Recommendation(s) by County Affirmative Action Officer:

A-ADAPFORM

Office of the County Administrator  
Contra Costa County  
Affirmative Action Office  
651 Pine Street, Martinez, CA 94553  
(510) 646-4106 fax: (510) 646-1353

Memorandum

Date: January 21, 1994  
To: Section 504 Committee  
From: Emma Kuevor   
Affirmative Action Officer  
Subject: Americans with Disabilities Act  
Transition Plan

---

A memorandum was sent, November 28, 1993 to the Section 504 Committee Members requested comments on the draft Transition Plan. The transition plan lists the facilities that are not accessible and time frames to correct the barriers to accessibility.

A meeting was held December 16, 1993 to review and finalize the draft Transition Plan. All of the County buildings were reviewed and the following Transition Plan will be implemented:

1. Priority one (#1) buildings (Attachment A) are those with high public/employee usage.
2. The specific items that are not accessible in Priority One (#1) buildings are listed in Attachment B with completion dates. There are no appropriated funds for these projects. The County Administrator is looking at the feasibility of funding some of these projects for 1994 and 1995.
3. The projected cost for accessibility is \$151,100 for 1994 and \$284,500 for 1995.

Thank you for your comments and assistance. We are committed to correcting any barriers that may prevent accessibility to disabled individuals. Don't hesitate to call me at any time if you have any concerns or comments regarding this Transition Plan or if you have recommendations regarding Contra Costa County's Disability Program.

a:adatrans1

Attachment 4



### Priority #1 Buildings

1. Administration Building, 651 Pine Street, Martinez
2. Richmond Health Building, 100 38th Street, Richmond
3. Richmond Administration Building, 100 37th Street, Richmond
4. Delta Municipal Court, 45 Civic Avenue, Pittsburg
5. Pittsburg Health Center, 550 School Street, Pittsburg
6. Social Service Office, 30 Muir Road, Martinez
7. Social Service Office, 40 Muir Road, Martinez
8. Social Service Office, 4545 Delta Fair, Antioch
9. Main Library, 1750 Oak Park, Pleasant Hill
10. Courthouse, 725 Court Street, Martinez
11. Superior Court, 1020 Ward Street, Martinez
12. Mt. Diablo Municipal Court, 1010 Ward Street, Martinez
13. Mt. Diablo Municipal Court, 1950 Parkside, Concord
14. Municipal Court, 640 Ygnacio, Walnut Creek
15. Mt. Diablo Muni Court, 2970 Willow Pass, Concord
16. 50 Douglas Drive, Martinez
17. Social Service Office, 40 Douglas Drive, Martinez
18. Parking Lot, 100 37th Street and 100 38th Street, Richmond

Priority #1  
Administration Building  
651 Pine Street  
Martinez

	Areas Not Accessible	Cost	Completion Date
1.	#8: Curb Ramp	City of Martinez	February 1994
2.	#9: Missing Directional Signage	\$1,000	March 1994
3.	#17: Toilet Rooms & Bathrooms	\$12,000	March 1994
4.	#27: Assembly Areas		
	Assistive Listening System	\$15,000	February 1994
	Placement of Wheelchair Locations	\$2,000	March 1994
5.	#30 Signage	\$30,000	May 1994
6.	#31: Public Telephones (Research if Pac Bell will pay)	\$7,500	February 1994
	Total	\$67,500	

Priority #2  
 Richmond Health Building  
 100 38th Street  
 Richmond

	Areas Not Accessible	Cost	Completion Date
1.	#6: Accessible Route-Exterior	Requires Verification	March 1994
2.	#17: Toilet Rooms and Bathrooms Signage	\$10,000	June 1994
3.	#30 Signage	same \$10,000	June 1994
4.	#31 Public Telephones Hearing Aid Compatible and Volume Control Telephones	\$3,500	August 1994
	Total	\$13,500	

Priority #3  
Richmond Administration Building  
100 37th Street  
Richmond

	Areas Not Accessible	Cost	Completion Date
1.	#10: Accessible Route Interior	\$7,500	June 1994
2.	#13: Elevators-Hall Lanterns (Research cost of adding audible)		June 1994
3.	#17: Toilet Rooms and Bathrooms-Signage	\$2,500	June 1994
4.	#27: Assembly Areas Wheelchair Locations	\$15,000	June 1994
5.	#30: Signage	\$7,500	September 1994
	Total	\$32,500	

Priority #4  
Delta Municipal Court  
45 Civic Avenue  
Pittsburg

	Areas Not Accessible	Cost	Completion Date
1.	#7: Accessible Parking	\$3,000	November 1994
2.	#17: Toilet Rooms and Bathrooms-Signs	\$500	November 1994
3.	#27: Assembly Areas Wheelchair Locations	\$3,500	November 1994
4.	#29: Alarms	\$5,000	November 1994
5.	#30: Signs	\$5,000	November 1994
	Total	\$17,000	

Priority #5  
Pittsburg Health Center  
550 School Street  
Pittsburg

	Areas Not Accessible	Cost	Completion Date
1.	#8: Curb Ramp	Responsibility of City of Pittsburg	November 1994
2.	#10: Accessible Route-Interior	same as Signage	December 1994
3.	#17: Toilet Rooms and Bathrooms	\$5,000	December 1994
4.	#20: Urinals	\$400	December 1994
5.	#21: Lavatories and Mirrors	\$100	December 1994
6.	#22: Sinks	\$100	December 1994
7.	#30: Signage	\$15,000	December 1994
	Total	\$20,600	

Priority #6  
Social Services Office  
30 Muir Road  
Martinez

	Areas Not Accessible	Cost	Completion Date
1.	#6: Accessible Route Exterior	\$3,500	January 1995
2.	#7: Accessible Parking Signage	\$2,500	January 1995
3.	#10: Accessible Route Interior	\$60,000	January 1995
4.	#17: Toilet Rooms and Bathrooms	\$35,000	March 1995
5.	#18: Water Closets	Requires Redesign	March 1995
6.	#19: Toilet Stalls-Size and Arrangement	Widen to 60"	March 1995
7.	#20: Urinals	Lower Controls	March 1995
8.	#30: Signage	\$5,000	March 1995
	Total	\$106,000	

Priority #7  
Social Services Office  
40 Muir Road  
Martinez

	Areas Not Accessible	Cost	Completion Date
1.	#7: Accessible Parking Signage	\$2,000	June 1995
2.	#18: Water Closets	\$500	June 1995
3.	#21: Urinals (Flush Control)	\$500	June 1995
	Total	\$3,000	



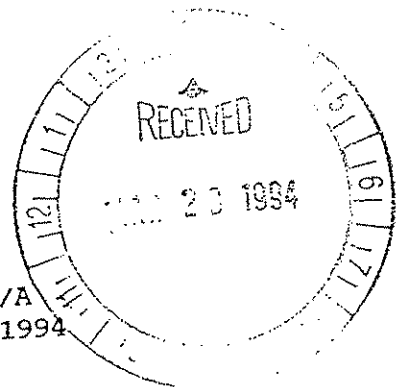
Priority 8  
Social Services Office  
4545 Delta Fair  
Antioch

	Areas Not Accessible	Cost	Completion Date
1.	#6: Accessible Route Exterior Walkways	\$7,500	September 1995
	Grading	\$3,500	September 1995
2.	#7: Accessible Parking	\$2,000	September 1995
3.	#8: Curb Ramp	\$1,000	September 1995
4.	#17: Toilet and Bathrooms	\$1,000	October 1995
5.	#20: Urinals	\$400	October 1995
6.	#30: Signage	\$5,000	October 1995
7.	#31: Public Telephones	\$3,500	October 1995
	Total	\$23,900	

Priority #9  
Main Library  
1750 Oak Park Boulevard  
Pleasant Hill

	Area Not Accessible	Cost	Completion Date
1.	#6: Accessible Route		
	Exterior	\$20,000	July 1995
	Accessible Route	\$15,000	July 1995
	Slope		
	Detectable		
	Warnings	\$6,000	July 1995
2.	#7: Accessible Parking		
	Number Required	\$4,500	August 1995
	Location	\$5,000	August 1995
	Standard Accessible		
	Spaces	\$1,000	August 1995
	Signage	\$2,100	August 1995
3.	#9: Entrances		
	Signage	\$2,500	October 1995
4.	#17: Toilet Rooms and		
	Bathrooms	\$15,500	December 1995
5.	#18: Water Closets	\$3,000	December 1995
6.	#19: Toilet Stalls-Size		
	and Arrangement	\$15,000	December 1995
7.	#20: Urinals	\$20,500	December 1995
8.	#21: Lavatories and Mirrors	\$25,000	December 1995
9.	#25: Grab Bars		
	Where Required		December 1995
10.	#30: Signage	\$5,000	December 1995
11.	#31: Public Telephones	\$5,500	December 1995
12.	#37: Libraries		
	Check-Out Areas	\$5,000	December 1995
	Card Catalogs		
	and Magazine		
	Displays: Stacks	\$1,000	December 1995
	Total	\$151,600	

GENERAL SERVICES DEPARTMENT  
Architectural Division  
1220 Morello Avenue, Suite 100  
Martinez, California 94553-4711  
Extension 3-7200



File: PD000-9303/A  
Date: March 24, 1994

TO: Phil Batchelor, County Administrator  
Attention: Carol Chan, Capital Analyst

FROM: Barton J. Gilbert, Director of General Services  
By: Patricia L. Pfeiffer, Architectural Division *P. Pfeiffer*

SUBJECT: IMPROVEMENTS FOR ADA COMPLIANCE (WH363A); ADA Projects

Following are the cost estimates requested in your memo of January 24, 1994 concerning ADA Projects. All estimates include signs, installation, and staff hours. A listing of the signs included at each location is shown on the attachment to this memo. Signs for rooms that do not involve heavy public usage are not included.

1. Restroom signs for the first five building priorities:
  - A. Administration Building, 651 Pine St., Martinez \$ 650
    - 1 directional sign on first floor
    - 1 directional sign on basement floor
    - 1 "Men"
    - 2 "Women"
    - 2 Pictogram door signs
  - B. Health Building, 100 38th Street, Richmond \$ 750
    - 2 "Men"
    - 2 "Women"
    - 4 Pictogram door signs
  - C. Richmond Administration Building, 100 38th St., Richmond \$ 450
    - 1 "Men"
    - 1 "Women"
    - 2 Pictogram door signs
  - D. Delta Municipal Court, 45 Civic Avenue, Pittsburg \$ 450
    - 1 "Men"
    - 1 "Women"
    - 2 Pictogram door signs

March 24, 1994

C. Chan  
Ada Projects

E.   Pittsburg Health Center, 550 School Street, Pittsburg                      \$   750

- 2 "Men"
- 2 "Women"
- 4 Pictogram door signs

Total estimate for item 1                      \$ 3,050

- 2.   County Administration Building, first floor signs                      \$ 1,550  
      ("Supersines" to match existing)
- 3.   Richmond Administration Building signs (plastic)                      \$ 4,500
- 4.   Pittsburg Administration Building signs (plastic)                      \$ 1,000

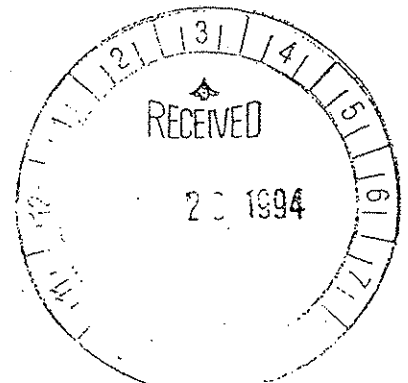
Total estimate for items 2-4                      \$ 7,050

Grand total estimate                              \$10,100

Kathy Brown will discuss modifications for the public telephones with Pacific Bell during her meeting with them next week.

PP:ADAProj  
Attachment

cc w/att.:   Emma Kuevor, County Administrator's Office  
              Barton J. Gilbert  
              Kathy Brown



Attachment  
C. Chan memo  
ADA Projects

March 24, 1994

SIGNS FOR INITIAL ADA COMPLIANCE

Administration Building Signs

WOMEN (Provide 2 signs)

ROOM 107  
BOARD OF  
SUPERVISORS

ROOM 108  
CONFERENCE  
ROOM

ROOM 109

ROOM 103  
SHERIFF'S  
DEPARTMENT  
RECRUITING

MEN

ROOM 105  
JAMES P. KENNY  
CONFERENCE ROOM

ROOM 108A  
SUPERVISOR  
DISTRICT 2

ROOM 106  
CLERK OF  
THE BOARD

Richmond Administration Building

ROOM 105

ROOM 110

ROOM 130

ROOM 135

ROOM 175 (2 signs)

ROOM 185

ROOM 270

MUNICIPAL COURT  
CLERK'S OFFICE  
TRAFFIC/MINOR OFFENSES

DEPARTMENT 6  
TRAFFIC/SMALL CLAIMS  
COURTROOM

MUNICIPAL COURT  
CLERK'S OFFICE  
CRIMINAL INFORMATION  
BAIL BONDS

ARRAIGNMENT  
COURTROOM

JURY ASSEMBLY ROOM (2 signs)

BAY MUNICIPAL COURT  
CLERK'S OFFICE  
CIVIL AND SMALL CLAIMS

SUPERVISOR DISTRICT 1

TOM POWERS

VETERANS SERVICE OFFICE

Attachment  
C. Chan memo  
ADA Projects

-2-

March 24, 1994

Richmond Administration Building continued:

ROOM 214

EMPLOYMENT  
INFORMATION  
CENTER

ROOM 213

MUNICIPAL COURT  
DEPARTMENT 4

ROOM 211

MUNICIPAL COURT  
DEPARTMENT 1

JUVENILE COURT

ROOM 209

MUNICIPAL COURT  
DEPARTMENT 2

ROOM 205

MUNICIPAL COURT  
DEPARTMENT 3

ROOM 203

MUNICIPAL COURT  
DEPARTMENT 5

Pittsburg Administration Building

JURY ASSEMBLY ROOM

CIVIL/SMALL CLAIMS DIVISION  
ACCOUNTING AND JURY SERVICES

DELTA COURT  
CLERK'S OFFICE

DEPARTMENT 2

COURTROOM 3

DEPARTMENT 1

# THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

Adopted this Order on January 29, 1985, by the following vote:

AYES: Supervisors Powers, Schroder, McPeak, Torlakson, Fahden.  
NOES: None.  
ABSENT: None.  
ABSTAIN: None.

---

SUBJECT:	Discrimination Complaint )	RESOLUTION NO. 85/57
	Procedure Services and )	
	Programs )	

---

The Board of Supervisors enacts this resolution in its capacity as the Governing Board of Contra Costa County of all special districts of which it is the governing board.

## I. Purpose

This resolution establishes the procedure for processing discrimination complaints relating to services and programs provided by agencies of Contra Costa County.

## II. Scope

The procedure set forth herein covers discrimination complaints based on race, color, national origin, age, sex, handicap, and any other discrimination prohibited by state or federal law or regulation relating to admission to, access to, or treatment in, County programs or services. The procedure shall not apply to employment discrimination complaints or complaints subject to the County's employee grievance procedure or the provisions of the Personnel Management Regulations.

## III. Definitions

As used herein, the following definitions shall apply:

1. Agency: "Agency" includes County departments and special districts governed by the Board.
2. Board: Board of Supervisors of Contra Costa County.
3. Complainant: A person who has sought admission to, benefits from, or treatment in a County program or service, and who believes he or she has been discriminated against because of their race, color, national origin, age, sex, handicap or any other discriminating prohibited by state or federal law with respect to such program.
4. Department Head: The head of an agency.
5. Grievance Procedure: The procedure set forth in memoranda of understanding between the County or special districts and recognized employee organizations representing their employees or contained in Resolution No. 81/1165.
6. Special District: A district governed by the Board.

## IV. General Provisions

1. Each department head shall designate a representative to receive complaints of service or program discrimination.
2. A complainant may have a representative of choice at complainant's expense to assist in the complaint procedure at any step.

Attachment 6

RESOLUTION NO. 85/57

3. Any complaint shall be written, signed by the complainant and shall provide an address to which notices are to be sent. Notices to the County Affirmative Action Officer and to the Board of Supervisors shall be sent to the County Affirmative Action Officer at 651 Pine Street, 11th Floor, Martinez, California 94553.
  4. Complainants are encouraged to attempt to resolve discrimination complaints at the agency level, but filing a complaint at that level is optional and complainants may proceed directly to Step 2 (County Affirmative Action Officer).
  5. Complainants, agencies, and contractors are required to cooperate with the investigating authority.
  6. Complaints involving the same issue may be consolidated and handled as one complaint when referred to the hearing officer.
- V. A. Complaint Procedure, Step 1. (Department)
1. A complainant may file a written discrimination complaint against an agency or contractors for whom the agency is responsible with the agency representative, within 30 days of the incident which is alleged to have occurred because of prohibited discrimination.
  2. A complaint shall state who it is against, the type of discrimination alleged, the circumstances or situation resulting in the alleged discrimination, and the remedy requested. The department may refuse to accept complaints which do not contain this information.
  3. The department representative shall undertake such investigation as is deemed necessary to resolve the complaint and within 30 days of receipt of the complaint complete the investigation and give the complainant personally or by mail written notice of the results of the investigation.
- B. Complaint Procedure, Step 2. (Affirmative Action Officer)
1. Within 10 days of delivery or mailing of notification of the results of the investigation of the Department representative, or within 30 days of the alleged incident which was the result of discrimination, whichever is later, a complainant may file a written complaint of discrimination with the County Affirmative Action Officer.
  2. A complaint filed with the County Affirmative Action Officer shall state who it is against, the type of discrimination alleged, the circumstances or situation resulting in the alleged discrimination, and the remedy requested. The Affirmative Action Officer may refuse to accept complaints which do not contain this information.
  3. The County Affirmative Action Officer will investigate the complaint.
  4. After investigation, the Affirmative Action Officer will attempt to resolve the complaint.
  5. If the County Affirmative Action Officer is unsuccessful in resolving the complaint, the Affirmative Action Officer shall provide written notice to the complainant and to the agency of the right to have the complaint heard by the Board of Supervisors.
- C. Complaint Procedure, Step 3. (Board of Supervisors)
1. Within 10 days of mailing of the notice by the County Affirmative Action Officer to the complainant and agency, the complainant may file with the Affirmative Action Officer a notice of appeal to the Board.



2. When a discrimination complaint is appealed to the Board of Supervisors, the Board may hold a hearing before it, or may refer the matter to a hearing officer for hearing and recommended findings of fact and conclusions of law.
3. In the hearing, the complainant will have the burden of proof.
4. Evidence of oral or written communications to or by the County Affirmative Action Officer in the course of investigation by the Affirmative Action Officer shall not be admissible in any hearing by the Board or hearing officer.
5. If the Board refers the matter to a hearing officer, upon receiving the recommended findings of fact and conclusions of law and proposed decision, it shall either adopt the findings of fact, conclusions of law, and decision or adopt them in part or reject them entirely. If it adopts the findings in part, or rejects them, the Board shall review the entire record of the hearing prior to rendering a decision. If a complainant requests that the Board review a hearing transcript, it shall be the complainant's obligation to provide the Board with and pay for such transcripts.
6. The decision of the Board shall be final and binding.

I hereby certify that this is a true and correct copy of  
an action taken and entered on the minutes of the  
Board of Supervisors on the date shown.

ATTESTED: January 29, 1985

PHIL BAYCHELOR, Clerk of the Board  
of Supervisors and County Administrator

By C. Matthews, Deputy

Orig. Dept.:  
cc: Director of Personnel  
Members, Section 504 Committee

# Administrative Bulletin

Office of the County Administrator

Contra  
Costa  
County



Number	27.2
Replaces	27.1
Date	3-26-93
Section	Admin.

## SUBJECT: Employment Discrimination Complaint Procedure

- I. PURPOSE. This bulletin sets forth procedures for resolving allegations of employment discrimination by agencies of Contra Costa County.
- II. SCOPE. This procedure governs complaints of discrimination by employment applicants and employees of Contra Costa County. It covers all issues of discrimination in regard to recruitment, appointment, training, promotion, retention, or other aspects of employment. The subject areas of discrimination include race, color, national origin, sex, religion, marital status, disability, age, medical condition (cancer related) and other areas as prohibited by applicable State or Federal laws.
- III. LIMITATIONS. The establishment of this procedure is not intended to supplant the County's grievance procedure or the appeal provisions of the Personnel Management Regulations.
- IV. RESOLUTION OF INTERNAL DISCRIMINATION COMPLAINTS
  - A. Contra Costa County Employees

Employees are encouraged to resolve discrimination complaints at the department level. An employee may nevertheless submit a discrimination complaint directly to the County's Affirmative Action Officer or the Merit Board.

    1. First Level
      - a. Each county department shall designate a person to whom complaints of discrimination may be directed.
      - b. The complainant shall contact the department's representative and attempt to resolve the discriminatory action.

Attachment 7

- d. If the County Affirmative Action Officer is successful in mediating the complaint, the complaint is resolved.
- e. If, after the investigation of the complaint, the County Affirmative Action Officer is unsuccessful in mediating the complaint, the complainant shall be advised of their right to file a written complaint with the Merit Board within 30 days of receipt of notice from the County Affirmative Action Officer closing the complaint and advising the complainant of the next level (third level).
- f. If, however, mediation by the County Affirmative Action Officer is unsuccessful for project employees, the complainant shall be advised of their right to file a written complaint with the Director of Personnel (third level) within 30 days of receipt of notice from the County Affirmative Action Officer closing the complaint.

3. Third Level:

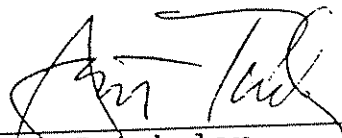
- a. The complaint to the Merit Board must be in writing and must set forth the grounds and facts upon which discrimination is alleged and the remedy sought.

A person may file a complaint of unlawful discrimination with the Merit Board within 60 days of the date the alleged discrimination occurred, or within 30 days of termination of mediation effort by the County Affirmative Action Officer, whichever is later, except that as to matters in which personnel management rules provide specific appeal procedures and time limits, such appeal procedures and time limits shall apply.

- b. The Merit Board may hear the complaint or refer the complaint to a Hearing Officer. The hearing by the Merit Board or Hearing Officer is separate and independent from the investigation conducted by the County Affirmative Action Officer.
- c. The Merit Board and the Hearing Officer shall not receive or require the disclosure of oral

- B. The response to investigate inquiries will be reviewed by the County Affirmative Action Officer before submitting to the agencies.

Orig. Dept.: County Administrator  
Reference: Personnel Management Regulations

  
\_\_\_\_\_  
Phil Batchelor,  
County Administrator

DEFINITIONS FOR LIMITED DUTY POLICY:

Rehabilitation Program: Services provided to an employee who is: 1) temporarily precluded from performing the duties of his/her usual and customary occupation due to an injury or illness or 2) permanently precluded from performing his/her usual and customary occupation due to an injury or major illness. Rehabilitation services may include: a limited duty assignment or help in procuring a permanent alternate position.

Limited Duty: A temporary work assignment provided to a disabled employee who cannot perform his or her regular job duties for a specific period of time. The temporary assignment is provided while an individual is recuperating from an injury or illness. The person is expected to return to his or her regular job duties.

Joint Rehabilitation Committee: Committee composed of eight members; four (4) County or District employee members recommended by employee organizations and appointed by the Board of Supervisors, and four (4) County or District employee members recommended by County management and appointed by the Board of Supervisors. The three largest employee organizations (AFSCME, Local 1, and Local 535) are represented. A fourth employee member represents safety members.

County: Refers to Contra Costa County and Special Districts, excluding the County Fire Protection Districts and Housing Authority, which are governed by the Board of Supervisors and are part of the County's Retirement System.

Employee Rehabilitation Counselor: That person designated by the Director of Personnel to serve as the Employee Rehabilitation Counselor.

Director of Personnel: That person designated by the County Administrator to serve as the Assistant County Administrator - Director of Personnel.

Appointing Authority: Department Head

Rehabilitation Coordinator: Individual appointed by Department Head to administer the department's limited duty program.

JH:tel  
5/17/84

CONTRA COSTA COUNTY

SUBJECT: LIMITED DUTY PROGRAM

DATE:

REPLACES:

APPROVED:

- I. General: Medical authorities and rehabilitation specialists agree that many temporarily disabled employees benefit both psychologically and physically from returning to work at the earliest date. The concept of an early return to work for employees suffering from an injury or illness is the underlying goal of the Contra Costa County Rehabilitation Program.

Limited duty is temporary duty provided to a disabled employee whose medical prognosis indicates that the employee can progress to full duty. Limited duty may be provided on a part-time as well as full-time basis. Part-time duty will not be for less than two (2) hours per day.

- II. Objectives: The objectives of providing work for temporarily disabled employees through limited duty are to:

- a. Provide such therapeutic benefits as can be made available through work for a temporarily disabled employee.
- b. Avoid deterioration of basic work skills and loss of self-confidence, that might result from a prolonged absence from work.
- c. Demonstrate concern for disabled employees and recognize their contributions as members of the work force.
- d. Minimize the loss of human resources, maximize productivity, and reduce disability costs.

- III. Policy: It is the policy of Contra Costa County that employees who have suffered industrial or non-industrial injuries and illnesses shall be provided with such limited duty as the County is able to provide as soon as medically feasible. This program shall be monitored by a Joint Rehabilitation Committee composed of equal representation by management and employee organizations. An employee's work skills and capabilities should be addressed in the development of limited duty.

The program requires that:

- a. Employees report injuries or illnesses promptly.

\*\*\*\*\*  
The existence and adoption of the foregoing Policy and Objectives is an expression of goals only and shall not give rise to any claim, right, entitlement, or cause of action on the part of any person or organization.

- b. Limited duty shall be provided within the County's capacity with medical approval. Limited duty must be consistent with the employee's ability.
- c. Employees performing in a limited duty capacity will continue to receive their regular pay and benefits. These will be prorated in the case of part-time work.

IV. Scope of Program: All departments and agencies, excluding the Housing Authority and County Fire Districts, for which the Board of Supervisors is the governing body are subject to the Limited Duty Program.

V. Responsibilities:

A. Departments

Subject to cooperation by affected employees, the principle responsibility for implementing the Limited Duty Program rests with the appointing authority. Departments will coordinate, as necessary and appropriate, with other personnel of the County involved in the Limited Duty Program. A department's responsibilities include:

1. Completing and submitting the injury report for industrial injuries and illnesses on a timely basis.
2. Appointing a Departmental Rehabilitation Coordinator to administer the department's Limited Duty Program, under the direction of the Department Head.
3. Informing employees and their physicians (when known) of the Limited Duty Program.
4. Developing an inventory of limited duty assignments available in each department.
5. Implementing limited duty for disabled employees as soon as medically feasible, when the County can make such duties available.
6. Assigning temporarily disabled employees, according to their capacities and skill levels, and according to the needs of the department to available limited duties. Acting for the Department Head, the Rehabilitation Coordinator may assess, adjust, extend, or terminate limited duty with substantive medical documentation. Limited Duty placements should be reported to the Employee Rehabilitation Counselor.

B. Employee

1. Notifies the department of an injury or illness in accordance with departmental policy.

2. Seeks prompt medical care. Obtains needed medical information from the physician (Physician's Statement of Ability to Work, AK142, attachment 1.) See page 4, Paragraph 6B for detailed procedures.
3. Accepts an appropriate available limited duty within or outside the employee's department. Limited duty must be approved by the physician, Rehabilitation Coordinator, and reviewed by the Employee Rehabilitation Counselor.

C. Personnel Department

1. Personnel Analysts

Assists in finding suitable limited duty outside of the originating department, if necessary.

2. Employee Rehabilitation Counselor

- a. Works under the direction of the Director of Personnel.
- b. Assists departments in identifying and developing suitable limited duty.
- c. Assists departments in resolving questions regarding medical diagnoses, work restrictions, and limited duty placements.
- d. Provides, as necessary, counseling and other rehabilitative services to employees placed on limited duty.
- e. Assists in finding limited duty outside of the originating department, when necessary.
- f. Reviews limited duty.
- g. Administers the appeal process for employees regarding limited duty.
- h. Prepares reports and gathers statistics as directed.

3. Insurance Analyst

Deals with injuries or illnesses arising out of and in the course of employment.

- a. Assists in informing physicians about the Limited Duty Program. When requested, notifies a department of an employee's availability for limited duty and assists in obtaining the "Physician's Ability to Work Statement" (AK142, attachment 1).
- b. Informs the Employee Rehabilitation Counselor of an employee's ability to perform full or limited duty.



4. Chief, Employee Relations

Informs Director of Personnel of injury severity rate, cost effectiveness, and other benefits of the limited duty program.

D. Rehabilitation Committee

1. Assists departments in implementing a Limited Duty Program.
2. Monitors utilization of Limited Duty Program.
3. Investigates written complaints alleging a department's failure to carry out the Limited Duty Program.
4. Hears appeals under the Complaint Procedure.
5. Evaluates the effectiveness of the program.

VI. Detailed Procedures:

Procedures for implementing the Limited Duty Program are described below:

- a. AK30 (Supervisor's Report of Occupational Injury or Illness) or equivalent must be prepared and submitted to the Safety and Benefits Division of the Personnel Department within 24 hours following a job-related injury or illness.
- b. Employees shall obtain and submit a physician's statement concerning their ability to work, Physician's Statement of Ability to Work, (AK142, attachment 1). In non-industrial cases, any fee charged for completion of that form will be paid for by the employee. To enable the physician to determine whether or not employees can be released to their regular job assignment or to limited duty, a job description of their regular assignment should be attached to the form. "Physician's Statement of Ability to Work, (AK142, attachment 1) must be submitted by the employee to the department within 2 days after the initial diagnosis by a physician and thereafter whenever there is a significant change in an employee's ability to work. Once the diagnosis is made, the form must be delivered to the department before limited duty can be authorized. The department shall immediately forward a copy of each physician's statement received to the County's Employee Rehabilitation Counselor. If the physician indicates that an employee can perform limited duty, proceed with Step c below. If the physician does not indicate that an employee is able to perform limited duty, the department will notify the Employee Rehabilitation Counselor by memo attached to the physician's statement.

The Employee Rehabilitation Counselor shall review those cases where there is any question concerning a physician's statement. When additional medical examinations are required by the Department, the appointing authority may order the employee to undergo at County

expense and on the employees paid time, a medical and/or psychiatric examination by a licensed physician. The department shall receive a report of the findings on such an examination. Requests for consultations on industrial injuries must come through the Safety and Benefits Division of Personnel. If an employee solicits another medical opinion, the cost is borne by the employee. If there is a conflicting medical opinion in non-industrial cases as to an employee's capacity to perform limited duty, the final decision will be made by an Independent Medical Examiner. A panel of Independent Medical Examiners within particular specialties will be established by the Rehabilitation Committee. When a physician is needed, a random drawing will determine which physician shall be used. In the event that a department cannot provide appropriate limited duty, the Director of Personnel may assign an individual to another department in which appropriate limited duty is available. The salary of an employee on assignment to another department under the Limited Duty Program shall be borne by the employee's originating department.

- c. Based on the physician's statement, the departmental coordinator shall place an employee on limited duty if such a placement is available. The placement shall be as closely aligned to the employee's current work schedule and location as possible. An employee's limited duty placement shall be confirmed through completion of a "Limited Duty Agreement and Extension Form", (AK143, attachment 2). The Employee Rehabilitation Counselor receives a copy of that agreement and extension form. Limited duty shall not exceed three (3) months without a formal review and an approved extension. The initial extension will be for up to three (3) months. Should a further extension be indicated, the request will be referred to the Rehabilitation Committee for review. Any extension will require medical confirmation, AK142, attachment 1. Extensions will be documented by the use of AK143, attachment 2. The Employee Rehabilitation Counselor receives a copy of each form.
- d. If limited duty within prescribed medical limitations is offered, but the employee refuses it, the County will be entitled to restrict sick leave, continuing pay, and disability benefits permitted by law or by the governing terms of employment. The Employee Rehabilitation Counselor shall be notified whenever an employee refuses or fails to perform limited duty.

Any restriction of sick leave, continuing pay, 4850, or disability benefits will be subject to mediation by the Rehabilitation Committee upon appeal by an affected employee.

- e. Employees who are unable to immediately perform limited duty will be monitored by the Employee Rehabilitation Counselor.
- f. Payment for limited duty shall be at the pay and benefits of the employee's regular position, but the employee's shift or other paid differentials shall be provided for only the first thirty (30) calendar days. Limited duty work which is less than full time shall provide pro-rata pay and benefits based on time worked.

- g. The placement shall be monitored on a monthly basis by the Rehabilitation Coordinator, employee, and the employee's supervisor.
- h. Where an employee objects to a limited duty placement or appears reluctant to undertake such a placement, the employee should be counseled by the Employee Rehabilitation Counselor.

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ATTACHMENTS

Physician's Statement of Ability to Work, AK142  
Modified Work Assignment Agreement and Extension Form, AK143

JH:tel 5/7/84

REHABILITATION COMMITTEE  
LIMITED DUTY COMPLAINT PROCEDURE

Policy:

The purpose of the complaint procedure is to provide a process whereby problems in operation of the Limited Duty Program can be mediated in a constructive manner. Issues that are appealable through the grievance procedure or Merit Board procedure shall be pursued through those mechanisms. Complaints will be reviewed and settled at the lowest level.

Issues That May Be Heard By The Rehabilitation Committee:

The County will be entitled to restrict sick leave, continuing pay, 4850, and disability benefits as permitted by law or by the governing terms of employment.

(Please note that in order to resolve potential problems the Employee Rehabilitation Counselor shall be notified, prior to restricting benefits, when an employee refuses or fails to perform limited duty).

Any restriction of sick leave, 4850 continuing pay or disability benefits will be subject to mediation by the Rehabilitation Committee upon appeal by an affected employee.\*

The following issues may be heard by the Rehabilitation Committee:

1. Restrictions of sick leave, continuing pay, 4850, or disability benefits.\*
2. Failure of a department to provide limited duty.
3. Reassignment or removal from a limited duty assignment based on political, or religious or union activities, or race, color, national origin, sex, age, handicap, or sexual orientation.

\* Any decision made by the Rehabilitation Committee regarding 4850 time, continuing pay, and disability benefits (State Disability Insurance, Long Term Disability) is not binding in that the County has no legal jurisdiction over these issues. The committee's recommendation will be submitted to the County's Safety and Benefits Office for review. Final jurisdiction, however, is reserved for the appropriate governing body.

Procedure:

1. The mediation request must be in writing and filed with the Chairperson of the Rehabilitation Committee within ten (10) calendar days after the occurrence. The letter or memo must describe the specific complaint and the relief requested.
2. Upon receipt of the mediation request, the Chairperson will call a special meeting of the Rehabilitation Committee within fourteen (14) calendar days. The department head and employee shall be notified at least five (5) calendar days in advance of the meeting. The department and employee may appear personally, produce evidence, or be represented by a person of their choice. Three (3) Committee members must be present to hear the appeal, one (1)

representing management, one (1) representing employee organizations, and the third member chosen through a random drawing. No member of the Rehabilitation Committee who represents the department or employee's bargaining unit will participate.

In industrial and non-industrial cases, a recommendation will be provided by the Rehabilitation Committee within five (5) working days to the County Administrator for decision and implementation. The department, Safety and Benefits (when applicable), and employee will receive copies of that decision. In non-industrial cases only, either the appointing authority or employee can appeal the decision of the County Administrator to a hearing officer. The hearing officer's decision in non-industrial cases will be binding.

JH:tel  
5/7/84

COUNTY OF CONTRA COSTA  
PHYSICIAN'S STATEMENT OF  
ABILITY TO WORK

Dear Doctor,  
Your cooperation in completing this form on a timely basis is requested. Certain benefits that a person can receive are dependent on the completion of this form.

TO BE COMPLETED BY EMPLOYEE	NAME OF EMPLOYEE:	DEPARTMENT/UNIT:	JOB CLASSIFICATION:
	DATE OF INJURY OR ILLNESS:	PHYSICIAN'S NAME:	PHYSICIAN'S ADDRESS:

TO BE COMPLETED BY PHYSICIAN	DATE OF TREATMENT OR EXAM:	NATURE OF INJURY OR MAJOR ILLNESS AND PART OF BODY AFFECTED:
	<p>The County of Contra Costa provides 1) limited duty for employees who are temporarily disabled by illness or injury and/or 2) permanent alternate assignments for employees, who can never return to their usual and customary occupation. Please check those tasks that the employee CAN perform either in a limited duty setting or in an alternate occupation.</p>	

Carrying up to 10 lbs <input type="checkbox"/> 11-24 lbs <input type="checkbox"/> 25-50 lbs <input type="checkbox"/> 51-100 lbs <input type="checkbox"/> Lifting up to 10 lbs <input type="checkbox"/> 11-24 lbs <input type="checkbox"/> 25-50 lbs <input type="checkbox"/> 51-100 lbs <input type="checkbox"/>	Twisting the body <input type="checkbox"/> Bending <input type="checkbox"/> Stooping <input type="checkbox"/> Squatting <input type="checkbox"/> Crawling <input type="checkbox"/> Shoveling or digging <input type="checkbox"/> Running <input type="checkbox"/> Climbing ladders <input type="checkbox"/> Operating foot controls <input type="checkbox"/> Driving heavy equipment <input type="checkbox"/> Driving automotive equipment <input type="checkbox"/> Pulling <input type="checkbox"/> Pushing <input type="checkbox"/>	Reaching above shoulder level <input type="checkbox"/> Working Conditions <input type="checkbox"/> Exposure to direct sunlight <input type="checkbox"/> Exposure to outside temperature <input type="checkbox"/> Exposure to dampness or water <input type="checkbox"/> Walking on rough terrain <input type="checkbox"/> Exposure to dust, fumes, and gases <input type="checkbox"/> Exposure to heights <input type="checkbox"/> Exposure to chemicals <input type="checkbox"/> Being around moving machinery <input type="checkbox"/> Face to face contact with public <input type="checkbox"/> Continued client contact <input type="checkbox"/>
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INJURED CAN USE HANDS FOR REPETITIVE ACTIONS SUCH AS:

	Simple Grasping	Pushing & Pulling	Fine manipulation
A Right	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
B Left	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	

NUMBER OF HOURS IN ANY ONE 8-HOUR DAY THIS EMPLOYEE IS CAPABLE OF  
 SITTING \_\_\_\_\_ STANDING \_\_\_\_\_ WALKING \_\_\_\_\_

IF A DRUG IS PRESCRIBED, WILL IT AFFECT SAFE OPERATION OF A MOTOR VEHICLE: YES <input type="checkbox"/> NO <input type="checkbox"/>	WILL THE DRUG AFFECT OTHER DUTIES? YES <input type="checkbox"/> NO <input type="checkbox"/> EXPLAIN: _____
---	--

DATE EMPLOYEE CAN START LIMITED DUTY:	LIMITED DUTY CAN BE: FULL-TIME _____ PART-TIME _____ number of days per week _____ number of hours per day _____
---------------------------------------	--

I HAVE EXAMINED THIS INDIVIDUAL AND KNOW OF NO REASON WHY THE EMPLOYEE'S CURRENT CONDITION WOULD PRECLUDE THE EMPLOYEE FROM DOING LIMITED DUTY. I RELEASE HIM/HER TO LIMITED DUTY.

PHYSICIAN'S SIGNATURE:	DATE:	OFFICE TELEPHONE:
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DATE EMPLOYEE CAN RETURN TO CURRENT CLASSIFICATION:	COMMENTS:
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I HAVE EXAMINED THIS INDIVIDUAL AND KNOW OF NO REASON WHY THE EMPLOYEE'S CURRENT CONDITION WOULD PRECLUDE THE EMPLOYEE FROM DOING HIS/HER REGULAR AND CUSTOMARY OCCUPATION. I RELEASE HIM/HER TO FULL DUTY.

PHYSICIAN'S SIGNATURE	DATE:	OFFICE TELEPHONE
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COUNTY OF CONTRA COSTA  
LIMITED DUTY ASSIGNMENT &  
EXTENSION FORM

☐ INITIAL  
☐ 1ST EXTENSION  
☐ 2ND EXTENSION

INSTRUCTIONS: A Physician's Statement must accompany each  
limited duty assignment and each Extension  
of a limited duty agreement.

INITIAL M I T E D D U T Y A S S I G N M E N T	EMPLOYEE'S NAME		DEPARTMENT/UNIT		JOB CLASS	
	DATE OF INJURY OR MAJOR ILLNESS:		PART OF BODY AFFECTED:		INJURY OR ILLNESS IS: INDUSTRIAL <input type="checkbox"/> NON-INDUSTRIAL <input type="checkbox"/>	
	LIMITATIONS PREVENTING RETURN TO REGULAR DUTY:					
	DESCRIPTION OF LIMITED DUTY ASSIGNMENT: LIST WHERE JOB WILL BE PERFORMED, DUTIES, ANY SPECIAL WORK CONDITIONS, HOURS PER WEEK. USE SEPARATE SHEET IF NECESSARY.					
1 S T E X T E N S I O N	START DATE OF LIMITED DUTY ASSIGNMENT:		DATE LIMITED DUTY IS EXPECTED TO END:			
	NAME OF PHYSICIAN APPROVING RELEASE TO LIMITED DUTY:		NAME AND PHONE NUMBER OF REHABILITATION COORDINATOR:			
	IMPORTANT: Limited duty is a temporary assignment provided without loss of pay to employees who are precluded from performing regular job duties for a specific period of time due to an injury or illness. WE HAVE READ, UNDERSTAND, AND AGREE TO THIS LIMITED DUTY ASSIGNMENT.					
	Signature of employee:		Date:		Signature of Supervisor providing assignment: Date:	
	Signature of Rehabilitation Coordinator:				Date:	
	START DATE:		EXTENDS THROUGH:		Rehabilitation Coordinator Review Date:	
	Signature Rehabilitation Coordinator: Date:		Signature Employee Rehabilitation Counselor: Date:			
	DESCRIPTION OF LIMITED DUTY ASSIGNMENT IF DIFFERENT THAN ABOVE. USE SEPARATE SHEET IF NECESSARY.					
	Signature of Employee:				Date:	
	2 N D E X T E N S I O N	START DATE:		EXTENDS THROUGH:		Rehabilitation Coordinator Review Date:
Signature Rehabilitation Coordinator: Date:		Signature Employee Rehabilitation Counselor: Date:				
DESCRIPTION OF LIMITED DUTY ASSIGNMENT IF DIFFERENT THAN ABOVE. USE SEPARATE SHEET IF NECESSARY.						
Signature of Employee:				Date:		

PLEASE SUBMIT A COPY OF THIS FORM TO THE COUNTY'S EMPLOYEE REHABILITATION COUNSELOR.

## DEFINITIONS FOR PERMANENT ALTERNATE WORK PROGRAM

Permanent Alternate Work: A permanent change in a work assignment provided to an employee who is medically precluded from doing his or her regular job duties.

Joint Rehabilitation Committee: Committee composed of eight (8) members; four (4) County or District employee members recommended by employee organizations and appointed by the Board of Supervisors, and four (4) County or District employee members recommended by County management and appointed by the Board of Supervisors. The three (3) largest employee organizations (AFSCME, Local #1, and Local 535) are represented. A fourth employee represents safety members.

County: Refers to Contra Costa County and Special Districts excluding the County Fire Protection Districts and the Housing Authority, which are governed by the Board of Supervisors and are part of the County's Retirement System.

Employee Rehabilitation Counselor: That person designated by the Director of Personnel to serve as the Employee Rehabilitation Counselor.

Director of Personnel: That person designated by the County Administrator to serve as the Assistant County Administrator - Director of Personnel.

Rehabilitation Coordinator: Individual appointed by Department Head to administer the department's Permanent Alternate Work Program.

Originating Department: The department for which the employee worked at time of injury or illness.

Receiving Department: The department to which the employee will be assigned as part of the Alternate Work Program.

Trial Work Period: Period of time when employee is not considered a permanent employee of the department. The employee is on the department's payroll.

On-the-Job Training: Period of time when the employee is learning new job skills. The employee is not on the department's payroll during this period of time. The period of time spent in on-the-job training will serve as part of the trial work period.

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5/17/84



DATE:

TO:

FROM:

SUBJECT: Contra Costa County Permanent  
Alternate Work Program

REPLACES:

APPROVED:

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I. Policy:

It is the policy of Contra Costa County to attempt to provide, if feasible, suitable alternate work for permanent employees who are medically precluded from performing the duties of their classification. Permanent alternate work is provided under State Labor Code 139.5 if the employee is unable to return to the employee's usual job duties because of a job related injury/illness, or under §31725.5 and §31726.5 of the County Employees Retirement Law of 1937.

Services provided under this program can consist of vocational testing, counseling, retraining, direct placement in an alternate position, restructuring of the employee's current position, and a trial work period.<sup>1</sup>

II. Objectives:

The objectives of the Permanent Alternate Work Program are:

- a. Help employees return to work at a level as close as possible to their pre-injury earnings and productivity.
- b. Retain productive County employees.
- c. Reduce the costs of disability benefit programs borne by the County.<sup>2</sup>

III. Eligibility:

A permanent employee may be eligible for services provided that the following conditions exist:

\*\*\*\*\*

<sup>1</sup>The existence and adoption of the foregoing Policy and Objectives is an expression of goals only and shall not give rise to any claim, right, entitlement, or cause of action on the part of any person or organization.

<sup>2</sup>The existence and adoption of the foregoing Policy and Objectives is an expression of goals only and shall not give rise to any claim, right, entitlement, or cause of action on the part of any person or organization.

- a. The employee is incapable of returning to the full duties of the employee's former job because of a medically substantiated permanently disabling condition.
- b. The employee can benefit from the services provided.
- c. The employee is willing to participate in the program.
- d. The medical prognosis is compatible with returning to work.

IV. Scope of Program:

All departments and agencies, excluding the Housing Authority and County Fire Districts, under the County's Employees' Retirement System and for which the Board of Supervisors is the governing body are included in the Permanent Alternate Work Program.

V. Responsibilities:

A. Departments

Subject to cooperation by affected employees, the principle responsibility for implementing the Permanent Alternate Work Program rests with County departments. Departments will coordinate, as necessary and appropriate, with other personnel of the County involved in the Permanent Alternate Work Program. The department's responsibilities include:

1. Appointing a Departmental Rehabilitation Coordinator, under the direction of the department head, to administer the department's Permanent Alternate Work Program.
2. Seeking permanent alternate positions consistent with the employee's skills, interests, and physical abilities as soon as it is medically determined that an employee is permanently disabled from performing the duties of the employee's present classification. This may be accomplished through a reassignment, transfer, or demotion.
3. Exploring possible job restructuring to accomodate the employee and maintain maximum overall productivity.

B. Employee

The employee's responsibilities include:

1. Providing the County with medical information that a) substantiates the need for a permanent alternate assignment, and b) delineates the employee's work abilities.
2. Performing the job duties on the same basis as any other employee in a similar position.
3. Voluntarily accepting an appropriate alternate assignment approved by the physician and department, reviewed by the

Employee Rehabilitation Counselor, and when necessary approved by the Rehabilitation Bureau of the State Division of Industrial Accidents.

C. Personnel Department:

1. Personnel Analysts

- a. Assist in finding suitable alternate work outside of the originating department, if necessary.
- b. Recommend and coordinate personnel actions necessitated by the employee's change in assignment, e.g. transfer, reassignment, or voluntary demotion according to Personnel Management Regulations.

2. Employee Rehabilitation Counselor

- a. Assists departments in identifying and developing suitable permanent alternate work.
- b. Assists departments in resolving questions regarding medical diagnoses, work restrictions, and permanent alternate work.
- c. Provides counseling and other services to employees in need of permanent alternate work.
- d. Assists in finding permanent alternate work outside of the originating department, when necessary.
- e. Arranges for training, when necessary, prior to an employee accepting a permanent alternate assignment.
- f. Documents permanent alternate work assignments obtained by employees.
- g. Prepares reports and gathers statistics requested by the Director of Personnel.
- h. Monitors progress and performance of employees in permanent alternate work assignments.

3. Insurance Analyst

- a. Administers the Workers' Compensation Program.
- b. Informs the Employee Rehabilitation Counselor upon receipt of medical information that indicates an employee may not be returning to work in the employee's current classification.

4. Chief, Employee Relations

- a. Submits a quarterly report to the Director of Personnel and Rehabilitation Committee of program status including cost effectiveness and other benefits of the alternate work program.

D. Retirement Office

The Retirement Office shall inform the Employee Rehabilitation Counselor when an application has been filed for an employee for a service connected or non-service connected illness or injury.

E. Rehabilitation Committee

1. Assists departments in implementing an Alternate Work Program.
2. Monitors utilization of permanent alternate duty assignments.
3. Receives and reviews written complaints as specified in the Rehabilitation Committee Complaint Procedure. Makes written recommendations to the County Administrator with a copy to the Director of Personnel.
4. Approves and monitors an employee's participation in a Permanent Alternate Work Program.
5. Evaluates the effectiveness of the program.

VI. Detailed Procedures:

Procedures for implementing the Permanent Alternate Work Program are described below:

- a. Employee shall obtain and submit a physician's statement concerning their ability to work, Physician's Statement of Ability to Work, (AK142 attachment 1).
- b. If an employee is found unable to satisfactorily perform the duties of the employee's original permanent position due to a permanently disabling medical condition, the employee may discuss the Permanent Alternate Work Program with the Employee Rehabilitation Counselor.
- c. If an employee declines to participate in the County's program, the Employee Rehabilitation Counselor will notify the employee of remaining applicable options such as retirement, resignation, non-disciplinary dismissal on grounds of a disability, or referral to another accredited rehabilitation agency.
- d. If an employee chooses to participate in the program, the Employee Rehabilitation Counselor shall provide counseling, arrange for vocational and aptitude testing of the employee to determine placement

potential, and assess job modification possibilities, transferrable skills, training and retraining potential, and direct placement potential.

- e. If an employee chooses to participate in the program, the Employee Rehabilitation Counselor shall notify the employee's originating department. The department shall determine whether appropriate openings are available. The Employee Rehabilitation Counselor can assist in this process. Prior to assigning an employee to a permanent alternate assignment, the employee shall provide medical clearance acceptable to the County.

The following options are available in finding an appropriate position for an employee:

1. Job Reassignment. Reassignment to another position within the same classification in the same department or different department, all duties of which can be performed within the work restrictions depicted on form AK142. If an opening acceptable to the employee and department head, and agreed to by the department, Retirement Board, (or designee) and Director of Personnel exists within a department, the employee in the program has a right to fill the vacancy. If the employee is placed in another position, the employee will serve a trial work period to evaluate the employee's interests and abilities. The length of the trial work period shall not exceed the normal probationary period for the position. If, during a trial period on the job, the appointing authority determines that the employee is unable to develop the required skills, knowledge, and abilities, or cannot meet the physical requirements of the position; the employee will be removed from the position and referred back to the Employee Rehabilitation Counselor. The employee, however, shall only have the right to appeal removal from a position based on political, or union activities, or race, religion, color, national origin, sex, age, handicap, or sexual orientation.
2. Lateral transfer or voluntary demotion.
3. Reasonable Accommodations. The originating department shall analyze the employee's usual and customary occupation, if still available, to identify essential functions (critical and important tasks) and conditions of the work environment to determine if reasonable accommodations can be made to the medical limitations imposed by the permanently disabling condition. This may include the purchase of adaptive equipment that can be used by the employee to facilitate the employee's ability to do the job. The department head may request reimbursement for the cost of that equipment from a special rehabilitation fund, if one exists.

4. On-the-job training. In some rehabilitation cases, it may be necessary that an employee initially receive more supervision than a person who would be generally assigned to the classification. In those instances where an employee is disabled due to an industrial injury or illness and does not have all the necessary experience or skills for a position, yet demonstrates an ability and willingness to learn the tasks, a maintenance income in lieu of salary may be provided by the Workers' Compensation Trust Fund while the employee is receiving on-the-job training. Prior to placing the employee in the classification, the duration of the training period and the employee's required performance standards must be agreed to by the department, employee, and Employee Rehabilitation Counselor. If the employee successfully completes the training period, the employee will be kept in the job as a regular employee and placed on the department's payroll. If the on-the-job training period is less than a normal probationary period for the class, the employee will serve an additional trial work period prior to becoming a permanent employee of the department. If the on-the-job training period is equivalent to the normal probationary period for the class, no trial work period will be served. The on-the-job training period will not exceed the normal probationary period for the class.
5. Disability Retirement. If an employee who is entitled to a disability retirement chooses to remain in County service in a new position which pays less salary than the position from which the employee was disabled, the Retirement Board, with approval and in lieu of a disability retirement allowance, shall pay the difference in compensation until the compensation of the new position equals or exceeds the compensation (including later changes) of the former position. Such amount shall not exceed the amount to which the employee would otherwise be entitled as a disability retirement allowance. Safety members who obtain a non-safety position and are eligible for service connected disability shall remain in the safety class for purposes of retirement.
- f. In some cases, the employee will need to receive training outside the department prior to accepting an alternate position (e.g. learning how to type). In those instances, the Employee Rehabilitation Counselor will arrange for the appropriate training program. Funding for the training may be procured from the Department of Rehabilitation or Workers' Compensation Trust Fund. During the training period, the employee may be entitled to workers' compensation benefits, sick leave, continuing pay, Labor Code 4850 time or leave of absence without pay. When the employee returns to the department, a trial work period will be served.
- g. When an employee is placed in an alternate position, the Employee Rehabilitation Counselor will document that fact by preparing a reha-

REHABILITATION COMMITTEE  
ALTERNATE WORK COMPLAINT PROCEDURE

Policy:

The purpose of the complaint procedure is to provide a process whereby problems in operation of the Permanent Alternate Duty Program can be mediated in a constructive manner. Issues that are appealable through the grievance procedure or Merit Board procedure shall be pursued through those mechanisms. Complaints will be reviewed and settled at the lowest level.

Issues That May Be Heard by the Rehabilitation Committee:

The following issues may be heard by the Rehabilitation Committee.

1. Failure to provide alternate work based on political, or religious, or union activities, or race, color, national origin, sex, age, handicap, or sexual orientation.
2. Removal from an alternate work position during the trial work period based on political, or religious, or union activities, or race, color, national origin, sex, age, handicap, or sexual orientation.

Procedure:

1. The mediation request must be in writing and filed with the Chairperson of the Rehabilitation Committee within ten (10) calendar days after the occurrence. The letter or memo must describe the specific complaint and the relief requested.
2. Upon receipt of the mediation request, the chairperson will call a meeting of the Rehabilitation Committee within fourteen (14) calendar days. The department head and employee shall be notified at least five (5) calendar days in advance of the meeting. The department and employee may appear personally, produce evidence, or be represented by a person of their choice. Three (3) Committee members must be present to hear the appeal, one (1) representing management, one (1) representing employee organizations, and the third member chosen through a random drawing. No member of the Rehabilitation Committee who represents the department or employee's bargaining unit will participate.

In industrial and non-industrial cases, a recommendation will be provided by the Rehabilitation Committee within five (5) working days to the County Administrator for decision and implementation. The department, Safety and Benefits (when applicable), and employee will receive copies of that decision. In non-industrial cases only, either the appointing authority or employee can appeal the decision of the County Administrator to a hearing officer. The hearing officer's decision in non-industrial cases will be binding.

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ilitation agreement which outlines the details of the Permanent Alternate Work Assignment. In cases where an individual is disabled due to an industrial illness or injury, information regarding the alternate position will be submitted to the Rehabilitation Bureau within the State of California's Department of Industrial Relations.

- h. If a department cannot find an appropriate position for an individual, the employee shall be referred back to the Employee Rehabilitation Counselor. The Director of Personnel will also place the employee on any appropriate transfer lists. The Employee Rehabilitation Counselor will survey the availability of appropriate positions in other departments. If a position exists, the employee will be referred to that department. If the department does not select the employee, the employee shall be referred back to the Employee Rehabilitation Counselor.
- i. If, after a reasonable time, the Employee Rehabilitation Counselor is unable to place an employee in a suitable position, the Counselor will refer the employee to an accredited rehabilitation agency to help the employee procure employment outside of County service.

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REHABILITATION COMMITTEE  
ALTERNATE WORK COMPLAINT PROCEDURE

Policy:

The purpose of the complaint procedure is to provide a process whereby problems in operation of the Permanent Alternate Duty Program can be mediated in a constructive manner. Issues that are appealable through the grievance procedure or Merit Board procedure shall be pursued through those mechanisms. Complaints will be reviewed and settled at the lowest level.

Issues That May Be Heard by the Rehabilitation Committee:

The following issues may be heard by the Rehabilitation Committee.

1. Failure to provide alternate work based on political, or religious, or union activities, or race, color, national origin, sex, age, handicap, or sexual orientation.
2. removal from an alternate work position during the trial work period based on political, or religious, or union activities, or race, color, national origin, sex, age, handicap, or sexual orientation.

Procedure:

1. The mediation request must be in writing and filed with the Employee Rehabilitation Counselor Chairperson of the Rehabilitation Committee within ten (10) calendar days after the occurrence. The letter or memo must describe the specific complaint and the relief requested.
2. Upon receipt of the mediation request, the chairperson will call a meeting of the Rehabilitation Committee within fourteen (14) calendar days. The department head and employee shall be notified at least five

(5) calendar days in advance of the meeting. Those time limits can be adjusted with agreement of the parties. The department and employee may appear personally, produce evidence, or be represented by a person of their choice. Three (3) Committee members must be present to hear the appeal, one (1) representing management, one (1) representing employee organizations, and the third member chosen through a random drawing. No member of the Rehabilitation Committee who represents the department or employee's bargaining unit will participate. In industrial and non-industrial cases, a mediation decision recommendation will be provided by the Rehabilitation Committee within ten (10) working days to the parties. County Administrator for decision and implementation. the department, Safety and Benefits (when applicable), and employee will receive copies of that decision. In non-industrial cases only, either the appointing authority or employee can appeal the mediation committee decision of the County Administrator to the County Administrator or designee. a hearing officer. The hearing officer's decision in non-industrial cases will be binding.